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Serial No. 09/629,241Remarks

Applicant respectfully requests that the finality of the Action dated August 10, 2005 be made non-final. The amendments to the claims in response to the Office Action dated September 28, 2004 were made to expedite issuance of a patent based on amendments proposed by the Examiner and not to overcome the rejections.

Claims 14-16, 18-27, and 30-32 were pending in the subject application. By this Amendment, new claims 33-36 have been added. The undersigned avers that no new matter is introduced by this amendment. Upon entry of this amendment, claims 14-16, 18-27, and 30-36 will be before the Examiner. The amendments to the claims have been made in an effort to lend greater clarity to the claimed subject matter and to expedite prosecution. These amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 33-36 have been added. Claim 33 is the claim 14 with amendments suggested by the Examiner during the telephonic conference December 16, 2004 and December 17, 2004 that the Examiner indicated would place the claim in condition for allowance, which, as referred to on page 6 of the current Office Action, "modify claim 14 as indicated and agreed upon in the interview summary of December 16, 17, 2005." Claim 34 is written with similar limitations except that (a) recites "positioning the electrical wiring along a metal framing member". Support for new claim 35 can be found, at least, at Figure 5. Support for new claim 36 can be found, at least, at the abstract.

Claims 14, 20, 24, 27, and 32 have been rejected under 35 USC §102(b) as anticipated by Shanmugham (U.S. Patent No. 5,821,469). The applicant respectfully traverses this rejection.

The Office Action, at page 2, states

"Shanmugham teaches a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip. The wiring clip comprises a main body (102), a first arm (107), a second arm (113) and a wire receiving area (near 105). The main body is formed with a wire receiving area. The first arm is located at a first end of the main body and has a first attachment means (108) for attaching the first arm to a first side of a metal framing stud member

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(130) having a face (parallel to the wire/cabling 120) and two sides (parallel to first and second side members 107, 113). The second arm is located at a second end of the main body and has a second attachment means for attaching the second arm to a second side of the metal framing stud member. The wire receiving area is adjacent the main body and is located between the first and second arms.

The method for securing electrical wire comprises the following steps: Positioning the electrical wiring parallel to the length of the metal framing stud member. Attaching the first arm to a first side of the metal framing stud member. Moving the wiring clip over the metal framing stud member such that the electrical wiring is positioned within the wire receiving area. Attaching the second arm to a second side of the metal framing stud member via the second attachment means for attaching the second arm to a second side of the metal framing stud member such that the wiring positioned within the wire receiving area is centrally positioned on the face of the metal framing stud member between the first side of the metal framing stud member and the second side of the metal framing stud member. The first and second arms are in continuous contact with the first side and second side, respectively, of the metal framing stud member. The wiring is positioned within the wire receiving area is secured within the wire receiving area. The first attachment means is a J-hook. The second attachment means for attaching comprises a bend in the second arm, which can be slipped around an inner edge of the second side of the framing member. The wiring clip is made of a flexible plastic.”

However, the Shanmugham reference does not teach or suggest a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip as claimed in claim 14 of the subject application. Specifically, the Shanmugham reference does not teach or suggest “a method . . . wherein the wiring clip comprises: a main body being formed with a wire receiving area; a first arm, wherein said first arm is located at a first end of said main body, and said first arm comprises a first attachment means for attaching said first arm to a first side of a metal framing stud member having a face and two sides; a second arm, wherein said second arm is located at a second end of said main body and said second arm comprises a second

attachment means for attaching said second arm to a second side of the metal framing stud member; and said wire receiving area being adjacent the main body, wherein the wire receiving area is located between the first arm and the second arm . . ." (underline added for emphasis). Rather, the Shanmugham reference teaches, at the abstract, "a mid-section and side sections extending from the mid-section for receiving a telecommunications cable." In particular, the Shanmugham reference, at col. 2, lines 5-8, discloses "U-shaped base clip 100 . . . comprises mid-section 102 and side sections 104 and 110 extending therefrom . . . [m]id-section 102 has a width and height defined by distances W1 and H1, respectively."

Instead of disclosing a wire receiving area defined by a main body being formed with a wire receiving area . . . said wire receiving area being adjacent the main body, wherein the wire receiving area is located between the first arm and the second arm as claimed in claim 14, the Shanmugham reference teaches a wire receiving area that is the space defined by the inner surfaces of the clip 100. Specifically, the Shanmugham reference, at col. 2, lines 15-18, first discloses "Inner surface 105 is preferably curved to receive at least one cylindrical telecommunications cable, such as telecommunications cable 120." Then, the Shanmugham reference, at col. 2, lines 27-40, discloses "First side section 104 extends from a first end of mid-section 102 . . . Inner surface 109 of first side section 104 is adjacent to telecommunications cable 120 and track 130 . . . Also shown is second side section 110 extending from a second side of mid-section 102 . . . Inner surface 115 is adjacent to telecommunications cable 120 and track 130." Further, at col. 2, lines 41-45, the Shanmugham reference teaches that "During installation, a technician manipulates base clip 100 so that inner surface 105 surrounds a portion of a telecommunications cable and distal flanges 108, 114 conform to a stationary portion of telecommunications equipment." Accordingly, the wire receiving area is the space formed by inner surfaces 105, 109, and 115. Instead of being an element that the main body is formed with, as claimed in claim 14 of the subject application, the wire receiving area of the Shanmugham reference is formed by the first arm, main body, and second arm. Moreover, the wire receiving area of the Shanmugham reference is not located between the first arm and the second arm, as claimed by claim 14, but, rather, is created by the first arm and the second arm of the Shanmugham reference such that a wire positioned within the wire receiving area is adjacent to the first arm and the second arm of the Shanmugham reference.

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Therefore, the Shanmugham reference does not teach or suggest a method for securing electrical wiring to an elongated metal framing stud member having a face and two sides with a wiring clip as claimed in claim 14 of the subject application. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference have been discussed above with respect to claim 14, from which claim 26 depends. Accordingly, a *prima facie* case of obviousness has not been presented with respect to claim 26. Therefore, the applicant respectfully requests reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. §103(a).

Claims 15-16, 18-19, and 30-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Rumbold (U.S. Patent No. 5,141,185). The applicant respectfully traverses this grounds for rejection. The applicant submits that the Shanmugham and Rumbold references, alone or in combination, do not teach or suggest the subject invention as claimed in claims 15-16, 18-19, and 30-31. The deficiencies of the Shanmugham reference have been discussed above with respect to the rejection of claim 14, from which claims 15-16, 18-19, and 30-31 depend. The Rumbold reference does not cure such defects.

The Office Action states, at page 4, last paragraph, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wiring clip of Shanmugham to be formed of flexible metal and to have modified the first and second Legs of the wiring clip to be thin and further secured to the framing member with fastening screws because one would have been motivated to permit attachment of the wiring clip to metal studs without the installation of drywall as taught by Rumbold (col. 8, lines 14-22)"

However, there is no motivation to modify the Shanmugham reference to arrive at the limitation "wherein the first arm and the second arm are thin enough to not interfere with the attachment of a covering material to the framing member" as claimed in claim 30. In fact, the Shanmugham reference, at col. 1, lines 36-42, relates to "[i]n the preferred embodiment, a base clip including extended side section for gripping a surface of telecommunications equipment has serrated edges on outer surfaces for interlocking with other clips . . . [a] "grow" clip comprising serrated

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edges on inner surfaces interlocks with the serrated edges of other clips." Specifically, the Shanmugham reference teaches a base clip 100 and a grow clip 200. In reference to the base clip 100, the Shanmugham reference, at col. 2, lines 22-37, teaches "First side section 104 includes downwardly disposed serrated edge 106 on its outer surface 107 . . . Side section 110 includes downwardly disposed serrated edge 112 on its outer surface 113 . . ."

It appears that for arms thin enough to not interfere with the attachment of a covering material to the framing member, the serrated edge of the arm taught by the Shanmugham reference could not protrude enough to enable the gripping of a grow clip. Therefore, there is no motivation to modify the Shanmugham reference to make the arms thin enough not to interfere with the attachment of a covering material to the framing member, as claimed in claim 30 of the subject application. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 15-16, 18-19, and 30-31 under 35 U.S.C. §103(a).

Claims 21-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Knezo (U.S. Patent No. 3,508,730). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference have been discussed above with respect to the rejection of claim 14, from which claims 21-23 depend. The Knezo reference does not cure such defects. The applicant submits that the Shanmugham and Knezo references, alone or in combination, do not teach or suggest the subject invention as claimed in claims 21-23. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 21-23 under 35 U.S.C. §103(a).

Claims 25 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanmugham (U.S. Patent No. 5,821,469) in view of Kirschenbaum (U.S. Patent No. 4,538,782). The applicant respectfully traverses this grounds for rejection. The deficiencies of the Shanmugham reference has been addressed above with respect to the rejection of claim 14, from which claim 25 depends. The Kirschenbaum reference does not cure these defects. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the rejection of claim 25 under 35 U.S.C. §103(a).

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

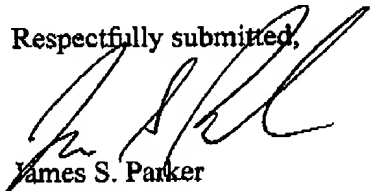
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The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

  
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